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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,857	09/05/2003	Danny A. Johnson	82274.91	7266

7590 03/04/2004

John P. Pinkerton
HUNTON & WILLIAMS LLP
Energy Plaza, 30th Floor
1601 Bryan Street
Dallas, TX 75201-3402

EXAMINER

WALTON, GEORGE L

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,857

Applicant(s)

JOHNSON ET AL.

Examiner

George L. Walton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/3/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 9-12, 16, 20-23 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by McGill. Noting particularly to column 3, lines 1-3, which teaches that the valve can be of any suitable type. Also, column 3, lines 12-67, which teaches a valve inlet and outlet, a gas flow passage through the valve and the swivel and swivel nut couplings are readable on elements 13, 14-15, 22 and 25, which would allow the valve, inlet, outlet and/or valve meter to swivel, if desired. Elements 12, the vertical portion between elements 14 and 15 and/or 15 is readable on the claimed substantial 90-degree riser and elbow. The applicants' attention is directed to column 4, lines 12-46, which teaches that the gas flow valve 20 can be utilized on either one of the inlet side or outlet side of the gas meter 10. Claim 23 is inherent, in that should there be a gas leak, a user or technician would shut off the gas flow by actuating valve 20 to allow for repair by an authorized repair technician (this is well known in the art).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGill in view of Lyall. The above claim is readable on the patent to McGill with the single exception of having a valve outlet with a bushing with a threaded outer surface and a threaded inner surface. The patent to Lyall teaches the above exception. Noting particularly to figure 11. In view of the teaching of Lyall, it would be obvious to one of ordinary skill in the art, at the time the invention was made to provide the above exception to valve 20 as taught by lower element 15 and element 17, if desired. Lower element 15 defines the outer threads to be received within the threaded outlet of valve 13, and the upper element 15 that is threaded into bushing portion 17 is adapted to receive piping for supplying gas to a customer. Such teaching provides no unobvious or unexpected modification to valve 20.

Claims 3-6, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill in view of Pietras. The above claims are readable on the patent to McGill with the single exception of having a specific type of gas valve with a tamper-proof mechanism and a manual operable flange of an actuating mechanism exteriorly of the valve body with a keyed receptacle

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or element for receiving an actuating tool for moving the valve between open and closed positions. The patent to Pietras teaches the above exception. In view of the teaching of Pietras, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to substitute valve 10 of Pietras for valve 20 of McGill, if desired. Such teaching provides no unobvious or unexpected result. Element 22 is readable on the keyed receptacle for receiving an actuating tool, element 29 is readable on the manual operable flange and a tamperproof mechanism that extends through an opening in the valve body and the manual operable flange is readable on elements 12, 18-19, 25, 27, 29 and 34.

Claims 7-8 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill in view of Fridlyand. The above claims are readable on the patent to McGill with the single exception of having a specific type gas valve being of the ball valve type with a soft seat seal. The patent to Fridlyand teaches the above exception. In view of the teaching of Fridlyand, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the device of McGill to replace valve 20 with element 10, if desired.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The examiner can normally be reached on M-F, 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-746-4603.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "George L. Walton", with a large, stylized initial "G" and a horizontal line extending to the right.

George L. Walton
Primary Examiner
Art Unit 3753

GLW